

REMARKS

By the present Reply, Applicant proposes canceling claims 111, 112, 131, and 132 and amending claims 110, 113, 115, 120, 123, 125, 129, 133, and 137. In addition, Applicant proposes adding new claims 138 and 139. Upon entry of these amendments, claims 110, 113-130, and 133-139 will be pending in this application, with claims 110 and 129 being independent.

As an initial matter, Applicant wishes to express sincere appreciation to the Examiner and her Primary Examiner (Mr. Julian Woo) for the courtesy extended to Applicant's representative during the personal interview held on October 21, 2008. At the interview, all of the rejections currently pending in the August 7, 2008 Office Action were discussed. In addition, several amendment options for obviating the pending rejections were discussed. The following remarks reflect the subject matter discussed during the interview.

In the final Office Action dated August 7, 2008, claims 110-124 and 128-137 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,897,562 to Bolanos et al. ("Bolanos"). In addition, claims 125-127 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bolanos in view of U.S. Patent No. 5,403,326 to Harrison ("Harrison").

Without necessarily agreeing with these rejections, Applicant proposes amending each of independent claims 110 and 129 to more clearly define the subject matter recited in those claims and, thereby, obviate these rejections. In particular, Applicant proposes amending independent claim 110 to recite, among other things, that "the rotatable member has a first surface facing a second surface of the stationary member in the second position, the grasper being disposed between the first and second

surfaces in the second position.” Similarly, Applicant proposes amending independent claim 129 to recite, among other things, that “the first member has a first surface facing a second surface of the second member in the closed position, and the grasper is disposed between the first surface and the second surface in the closed position.” As discussed during the interview, neither Bolanos nor Harrison teaches or otherwise suggests these features, among other things. For at least these reasons, Applicant respectfully requests that the Examiner reconsider and withdraw these rejections and timely allow this application.

Applicant respectfully requests this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing all of the pending claims in condition for allowance. Applicant submits that, as also agreed upon during the interview, the proposed amendments do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Therefore, this Amendment should allow for immediate action by the Examiner.

The final Office Action contains a number of statements and characterizations regarding the claims and the related art. Applicant declines to necessarily subscribe to any statement or characterization in the Office Action, regardless of whether it is addressed above.


The Examiner is invited to call the undersigned if a telephone conversation might advance prosecution of the application.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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Dated: November 7, 2008

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